

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K230-12001PC	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/AT2004/000369	International filing date (<i>day/month/year</i>) 25.10.2004	Priority date (<i>day/month/year</i>) 15.12.2003
International Patent Classification (IPC) or national classification and IPC F16F13/00, A45B9/00, A63C11/22, F16F7/09		
Applicant KOMPERDELL SPORTARTIKEL GESELLSCHAFT M.B.H.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>4</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 2-5 _____ as originally filed/furnished
- pages* 1, 1a _____ received by this Authority on 30.06.2005 with letter of 28.06.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-10 _____ received by this Authority on 30.06.2005 with letter of 28.06.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-10</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-10</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-10</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following documents:		
	D1: FR-A-2 387 064 (ALLSOP AUTOMATIC) 10 November 1978 (1978-11-10)		
	D2: FR-A-2 100 053 (BRUCKSCHWEIGER HERMANN; BEDNAR FRANZ ET SOHN) 17 March 1972 (1972-03-17)		
	D3: FR-A-1 072 006 (ALSTHOM CGEE) 7 September 1954 (1954-09-07)		
	D4: US-A-2 705 634 (SAMPSON FREDERICK W ET AL) 5 April 1955 (1955-04-05).		
2.1	Document D1 is considered to be the prior art closest to the subject matter of claim 1. Said document discloses (the references in parentheses are to document D1): a device for damping the relative motion of a hand-grip (24) and a shaft (14) of a stick, said hand-grip (24) being movable relative to the shaft (14), a gas compression spring (76) and a helical compression spring (20) being provided between the hand-grip (24) and the shaft (14), and /...		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>a seal (50) being provided on a shaft-like body (44) at the end thereof that is accommodated in a tube (16), and</p> <p>the tube (16), in which the lower end of the shaft-like body (5) is accommodated, being a tube that is closed at one end.</p> <p>2.2 Thus, the subject matter of claim 1 differs from the known device in that the helical compression spring is constrained between the end of the shaft-like body accommodated in the tube and the base of the tube, and in that the resilient insert carried on the shaft-like body, on the end accommodated in the tube, is deformed by means of the helical compression spring when pressure is applied to the shaft-like body in the direction of its displacement into the tube and, in consequence said resilient insert contacts the inner surface of the tube.</p> <p>2.3 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p> <p>2.4 The problem addressed by the present invention can consequently be regarded as that of providing a device of the aforementioned type, the damping effect thereof being improved:</p> <p>when pressure is exerted on the hand-grip connected to the shaft-like body that can be</p> <p style="text-align: right;">/...</p>

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

displaced in the tube, for example when the stick is set on the ground (snow), the resilient insert on the shaft-like body (44), at the end thereof that is accommodated in the tube contacts the tube from the inside such that the gas compression spring "comes into play". As soon as the pressure - in particular the pressure that pushes the shaft-like body into the tube - is not longer applied to the shaft-like body ceases, deformation of the resilient body ceases (it is deformed by means of the helical compression spring only when the shaft-like body is inserted into the tube) and the helical compression spring can push the body back again, this being concomitant with continuously increasing friction of the deformed resilient insert (since said insert now returns to its starting position).

The solution to the above problem, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)). The reasons are the following: there is no document that discloses the additional features of claim 1 and a person skilled in the art would not arrive at the subject matter of claim 1 without thereby being inventive.

3. Claims 2-10 are dependent on claim 1 and, in consequence, likewise satisfy the requirements of the PCT in respect of novelty and inventive step.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. **[German text only]:** in claim 1 (line 4), the expression "um" ["in order to"] has been taken to mean "und" ["and"].